

**IN THE FEDERAL DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**

JACQUELYN B. N'JAI

Plaintiff

V.

CASE NO.: 18-CV-1616

**SOCIAL SECURITY ADMINISTRATION COMMISSIONER;
US SOCIAL SECURITY ADMINISTRATION (FTCA ONLY)**

Defendants

ATTACHMENTS

(EXHIBITS 1-29(D))

TO

**BRIEF/AMENDED COMPLAINT IN RESPONSE TO AND AS REQUIRED
BY THE HONORABLE JUDGE NORA BARRY FISCHER'S ORDER
DATED DECEMBER 20, 2018**

Jacquelyn B N'jai
1/4/19

Attempts by the Plaintiff to exhaust her administrative remedies with the SSA. (*See documents*)

DATE OF PLAINTIFF'S REQUESTS:	DESCRIPTION OF DOCUMENT	ADMINISTRATIVE REMEDIES FROM SSA
December 29, 2015 Ex. # 1	Plaintiff is preparing to get things in order for her retirement @ age 63.	Plaintiff set up a SSA online account. This is a reply from East Liberty SSA Office
December 11, 2016 Ex. #2	Request for W-2 and other records to prove that she worked during years where information was incorrect or missing	
1/10/2017 Ex. 3-3b	Proof Plaintiff sent a letter to get w-2 UPSP w/receipt	Letter requesting w-2 3A- Applied online ? date.
3/13/2017 Ex. 4	Letter from Plaintiff replying to this 3/13/2017 letter	Letter from the SSA regarding the letter sent to it for copies of w-2 records about Plaintiff. Plaintiff did not have the money to pay \$86.00 x 12 years.
3/27/2017 Ex. 5	Plaintiff found out that there was such a thing called FICA. She knew nothing about this prior to getting information straight for retirement. Plaintiff immediately inquired at the site she found.	Never got any information about this from NYC, SSA, nor IRS. NYCERS
4/10/2017 Ex. 6	FICA Refund Claim Inquiry Form filled out by Plaintiff. She just found out on 3/27/2017 that she was a part of this.	2 nd Form filled out by Plaintiff regarding FICA and records.
April 21, 2017	Plaintiff's request as an employee of the City of New York Payroll Management	Social Security Admin. Adding some of the information and rejected

Ex. 7	System, application for Copies of Statements, checks, and reports to the SSA	some of the information (?) Why was never written. Plaintiff told over the phone to get information from the IRS
4/25/2017 Ex. 8	New York City Office of Payroll Admin. In response to Plaintiff's W-2 Duplicate Request	Payment of 132.00 Receipt, and documents to give to SSA.
5/13/2017 2 RECEIPTS Ex. 9	Another Request for Correction of Earnings Statement from Plaintiff to SSA	9/17/17 and 9/19/2017 sent what SSA considered Corrections of Earnings Statement (Still incorrect)
On or about 7/3/2017 @ 3:37 PM, by phone at 888-527-9339	Phone call to the Monroeville SSA	Plaintiff told she still needed proof of earnings for IRS. Plaintiff resent the same NYC documents. She also sought IRS.
7/6/2017 Ex. 10	Plaintiff had submitted the NYC documents to the SSA	Letter from SSA Monroeville Office Reference to S2RB413/036 requiring Plaintiff to submit proof of earnings for correction request within 30 days.
Plaintiff filed an appeal online 7/6/2017 Ex. 11	A copy of the appeal or reconsideration based upon SSA requirements that Plaintiff could use NYC documentation.	SSA refused to allow and refused to state why in writing
7/5-6/2017 Ex. 12	Plaintiff followed up on the NYC Board of Education data to give to the SSA (Pd 132.00)	NYS answered 7/6/2017 reassuring Plaintiff the documents were standard payroll documents and to have SSA contact NYC payroll Office

12/21/1990	(Important NYC information that affects SSA)	Statement of Accounts for Plaintiff: Tier III and Tier IV Members (Tax Deferred Annuity Program)
9/84 -9/30/94 Ex. 12(b)	Oppenheimer Investment through NYC	Plaintiff does not know what happened to this nor what it has to do with NYC Bd of Ed.
7/9/2017 Ex. 13		SSA Response reviewing and modifying the earnings statement changing "0" in 1986 to 16,639.00
9/17/17 and 9/19/2017 Ex. 14 (Redactions)	SSA Earnings Statements changed by adding only some of the information from NYC Bd of Ed. SSA sent to Plaintiff. Earnings statement is still incorrect.	Plaintiff got Statements in 2003, 2010 and 9/17/2017, 9/19/2017 (2016 year-end) No written explanation why? No understanding why?
9/19/2017	Appointment to Monroeville Office requested by Plaintiff prior to getting Statements CODES: 53194225 36889426	Jane Doe got another copy of the NYC documents, a name and number to NYC to contact the employer. Plaintiff requests to appeal again. Agent slams window blinds closed and refused to correct record or allow appeal, while on duty at the Monroeville Office for the SSA.
1987, and other dates,	The 9/17/2017 and the 9/19/2017 show 0.00 for 1987; when Social Security and Medicare and a state pension were being deducted out of Plaintiff's salary.	
In 2003 Earnings Statement	Shows in 1987, Plaintiff made approximately 20,000.00. The exact amount was 19,947.00. Someone changed the Earnings statement without	The Agent, changed the 1987 to "0" for both 1986 to "0" as well. When, clearly Plaintiff was a fulltime public-school teacher for a government political subdivision. NYC

	notifying Plaintiff, as to why, nor who in the SSA Monroeville modified her taxed and insured earnings.	<p>Bd of Ed. According to SSA, Plaintiff worked for nothing.</p> <p>In 2003, in 1988, Plaintiff earned 24,533 (On Earnings Statement) (as a Certified Teacher)</p> <p>Someone changed the Earnings for 1988 to only 4,087.00. Where did the income disappear to? Why changed it?</p> <p>See Exhibit 2003</p>
In 2017, Earnings Statement	<p>Shows 1986 changed to 16,619.00 SS Tax paid But, 1987 was still showing "0". NYC Bd of Ed documentation shows a 18,425.92 salary for 1987.</p> <p>Exhibits 1986-1987</p>	<p>See determination of the Monroeville SSA, who claimed the statutes of limitation ran out for correcting the record with evidence the SSA allows. The latest change from the SSA was in 2017. If 3 years Plaintiff can get the documents changed, that will be 2020. Plaintiff has tried to exhaust but was prevented by the Monroeville Office staff.</p>
	1981 or 82, Plaintiff worked for City Parks and Recreation through 7/1985. She resigned and went to NYC Board of Education, 8/85.	<p>Joe Doe or other SSA person in the Monroeville Office, changed 1981-1984, to Plaintiff only making approximately 1,350-1,491 a year. Even rounding to 1500, that's 125.00 a month, or 6.25 a day, or 0.78125 and hour. Surely that is incorrect.</p>
On or about 9/29/2017 Ex. 15	Another request for correction of the Earnings statement (?)	
On or about 9/20 or so 9/29/2017 Ex. 16	Form 4506 to the IRS Request for Tax Form/Information for 1981-1990	<p>RAIVS Requests for Tax Return Photocopy of Taxpayer Filed Returns requesting \$50.00 per tax year. 10/4/2017</p>

10/25/2017 Ex. 16(B)	Right to Know and FOIA requests	Plaintiff never got any documents nor a response why in writing
10/25/17 and 11/9/2017 Ex. 17-18 See Ex. 3 Receipts	FOIA letter requesting documents from the SSA and IRS	Never gave Plaintiff the documents, nor a written reason why
11/9/2017	SSA called Plaintiff from # 412-380-1318	
11/9/2017 Ex. 17-18	FOIA Requests, 1 letter and a form. Certificates of Service returned and signed receipt.	No response again
11/13/2017-18 Ex. 19	Complaint and another attempt to appeal from Plaintiff (trying to exhaust remedies)	
12/19/2017 Ex. 20	Plaintiff appealed and complained on 12/15/2017 and another FOIA request.	On 12/19/2017, SSA responded refusing to oversee a social security representative. They refused to help me with the complaint, but forwarded the information to SSA's Office of Operations
1/27/2018 (Post marked) Sent 12/15/17 and 1/27/18 Ex. 21	Plaintiff's letter requesting a hearing before an ALJ. Sent to The Chief Administrative Law Judge Office of Disability Adjudication and Review, 5107 Leesburg Pike Suite 1608 Falls Church VA 22041 Form OMB No. 0960-0269 Request for Hearing By Administrative Law Judge	

<p>2/28/2018</p> <p>2/28/18 SSA Monroeville Determination</p> <p>Received 4/28 /2018 (sometimes around that time not sure)</p>	<p>Plaintiff was told about this determination by the 3/27/2018. Plaintiff received a copy of the Monroeville Determination on or about 4/28/2018 or so.</p> <p>#18D1405J84570</p>	<p>This determination was hidden from Plaintiff from 2/28/2017-until about late 4/2017, <i>after she sent appeal to the Commissioner</i></p> <p>SSA setting a deadline for an appeal, and then not giving Plaintiff a copy of the letter in writing until nearly passed the given a set time to re-appeal again, from the 2/28/2018 date.</p> <p>The Determination for the SSA Level (Monroeville Office took from 7/6/2017-4/28/2018, after the Plaintiff appealed to the Commissioner as the Director told her to.</p>
<p>3/27/2018</p> <p>Ex. 23</p>	<p>Denial of ALJ hearing or level 2.</p>	<p>3/27/2018, Response from the Director, of the SSA Office of Hearings Operations, (Barbette A. Smith), telling Plaintiff there is no hearing with a ALJ and referred her to:</p> <p>Philadelphia Region, Social Security Office of the Regional Commissioner (ORC), Regional Public Affairs Office (RPAO)</p> <p>(According to her, “to review, to change the jurisdiction of your SSA records to another SSA field office. The Contact information for that office is:</p> <p>SSA Office of the Regional Commissioner, Philadelphia Regional Office Attention: RPAO, 300 Spring Garden</p>

		St., 7 th Floor, Philadelphia, PA 19123.”
<p>4/2/2018</p> <p>Ex. 24</p>	<p>Plaintiff exhausted the administrative remedy that the Director told her to exhaust. Plaintiff is telling the Director that she does not have access nor a copy of the 2/28/2018 SSA Monroeville determination, referenced in her 3/27/2018 determination letter not to allow her the appeal before an ALJ.</p> <p>See Exhibit 4/2/2018, a letter with the lawsuit filed on 12/4/2018 18-cv-1616, attached, but did not reference suing the Commissioner. Plaintiff is requesting a copy of the 2/28/2018 Monroeville determination she did not have a copy of at this point.</p>	<p><i>Proof of Administrative complaint to the Commissioner</i></p> <p><i>Referencing the actual complaint file in District Court on 12/4/2018</i></p>
<p>4/5/2018</p> <p>Ex. 25</p>	<p>This letter was in the envelope with the 2/28/2018 determination, along with a publication on the appeal process.</p>	<p><i>The Agent was cleaning up her negligent actions, because Plaintiff appealed to the Commissioner and because of the ALJ letter exs. 23-24.</i></p>
<p>On or about 6/25/2018</p> <p>Ex. 26</p>	<p>Plaintiff followed up on her appeal to the Commissioner, and responding to the 2/28/2018 Monroeville determination, requesting another appeal, regarding the letter she received about 4/28/2018.</p>	

Not sure of dates: These were attached to complaint to the Commissioner and/or other Ex 27		
11/29/2018 Ex. 28	Plaintiff seeking to get a written determination or something that help her know what is going on since 4/2/2018	
Ex. 29-29D	SSA Publications on: <ul style="list-style-type: none"> 1. Correcting the Earnings Statement 2. Appeal Process that includes District Court 3. Request for a Hearing with an ALJ 	